

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA.

Case No. 3:15-cr-00055-MMD-CLB-3

Plaintiff.

## ORDER

DANNY DUANE WHARTON.

Defendant.

11 On April 2, 2020, the Court appointed CJA counsel Thomas Qualls for the limited  
12 purpose of determining whether, under *Rehaif v. United States*, 139 S. Ct. 2191 (2019)  
13 and/or *United States v. Davis*, 139 S. Ct. 2319 (2019), Defendant Danny Duane Wharton  
14 qualifies for relief under 28 U.S.C. § 2255 or 28 U.S.C. § 2241. (ECF No. 141.) The Court  
15 directed Qualls to present for adjudication any petitions, motions, or applications that he  
16 deemed appropriate. (*Id.*) Qualls has yet to make any filings.

17 Before the Court is Qualls' motion to withdraw. (ECF No. 155 (the "Motion").) The  
18 Court lacks sufficient information to determine whether to grant the Motion.

19 It is therefore ordered that Qualls must file a status report, within five days of the  
20 date of entry of this Order, on his progress regarding the relief available to Wharton.

21 It is further ordered that the Court holds a final decision on the Motion in abeyance  
22 pending receipt of Qualls' response.

23 DATED THIS 2<sup>nd</sup> Day of April 2021.

  
MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE